

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	
Richard Marc LIBMAN	:	
Appl. No. 09/592,086	:	Art Unit: 2162
Filed: June 12, 2000	:	Examiner: R. Alvarez
For: METHOD AND APPARATUS	:	Atty. Docket: 23651.0536
FOR PREPARING CLIENT	:	
COMMUNICATIONS	:	
INVOLVING FINANCIAL	:	
PRODUCTS AND SERVICES	:	

DECLARATION UNDER 37 CFR 1.131

Honorable Commissioner of  
Patents and Trademarks  
Washington, DC 20231

Sir:

The undersigned, Richard Marc Libman, declares and states that,

1. I am the sole inventor of the above-captioned patent application, U.S. Appl. No. 09/592,086, filed June 12, 2000 (hereafter the '086 Application). I am also the sole inventor of U.S. Appl. No. 08/661,004, filed June 10, 1996, now U.S. Patent No. 5,987,434 (hereafter the '434 Patent). I am also the sole inventor of U.S. Appl. No. 08/834,240, filed

April 15, 1997, now U.S. Patent No. 6,076,072 (hereafter the '072 Patent).

2. The '086 Application is a continuation of the '072 Patent, which is a continuation-in-part of the '434 Patent.
3. Pending claim 1 of the '086 Application (the only claim currently pending in the '086 Application) is fully supported by the '434 Patent, as well as the disclosure of the '086 Application.
4. Prior to December 29, 1995, I had conceived of my invention in this country, as described and claimed in the '434 Patent, and also described and claimed in the '086 Application. This is evidenced by Exhibit 1, which is a copy of my notes that document my invention of automatically preparing communications and offers for financial products and services. The flow diagram depicted in Exhibit 1, as well as the accompanying notes, state that my invention automatically analyzes, selects products and services, calculates needs, designs products, and formats communications in order to output customized communications related to financial products and services. Such an automated system and process operate according to inputs that include

rules, product data, customer information, and so forth. Exhibit 1 states that my invention can use artificial intelligence to accomplish these tasks.

5. The redacted date of Exhibit 1 is prior to December 29, 1995.
6. I was diligent from prior to December 29, 1995 to the filing of the '434 Patent (filed on June 10, 1996). This is evidenced by Exhibit 2, which is a memorandum from me to Mr. Darren Osten. Mr. Osten was my former primary software developer, and was responsible for writing software for my invention, according to my instructions. I issued this Memorandum to instruct Mr. Osten to use all of his "facilities, energy, and time necessary (week-ends, days or nights)" to complete such software.<sup>1</sup> The Memorandum of Exhibit 2 is dated October 27, 1995. Accordingly, as evidenced by Exhibit 2, I was diligent from prior to December 29, 1995, until I filed the '434 Patent on June 10, 1996.

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<sup>1</sup>In the Memorandum of Exhibit 2, my invention is called "NEWCO." I selected this name because, among my business endeavors at that time, my invention represented a "new company."

7. That all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and I further acknowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By: \_\_\_\_\_

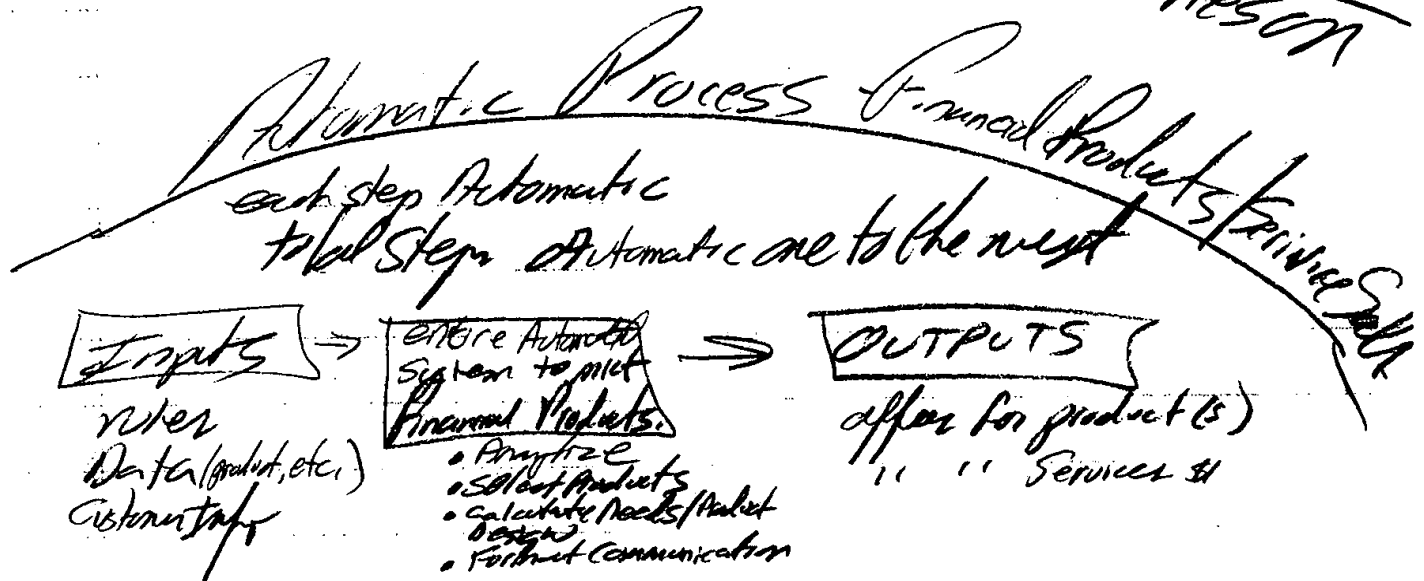
Richard Marc Libman

Date

8/7/2002

Amador  
New selling system Exhibit 1

Copy to  
Tolleson



- take each step an agent, programmer and tie it into one automated system select Products from Data & Automatically customize
- Be able to download one, hundreds, thousands, million of client records and put out a communication individualized (with product, service, format) same as an agent would show in person
- Need for an apparatus that would accomplish all of the above and replace agent. Artificial intelligence to replicate human thought process and also automate each step.

At Mtg Discuss - 2

A) Staffing Required

B) Confidentiality

C) Separate office space

D) Time Line

E) Budget

Exhibit 2

MEMORANDUM

To: Darren Osten

From: Richard Libman

Date: October 27, 1995

Re: Various Topics

Darren:

The time is drawing near that every ounce of energy we have needs to be put into getting **NEWCO** into operation. I must call upon you to use all your facilities, energy, and time necessary (week-ends, days or nights) for your department to see us through.

One of the keys to this success will be the organization of your department. I must insist that at this point we totally organize our binders, disk spaces (directories), programs, and so forth. We also need now to start making beautiful marketing materials. I would like full blown marketing materials developed by January 1st. This too must be organized because of all the changes that will occur to it as time goes by. Organization is the key to success in management of time.

I expect your department to put in the hours necessary from now until **NEWCO** is well into operation with new accounts. Are you up to the task?

Before you leave for your anticipated ten days off for your wedding, I want the proper and professional preplanning done so that not only your daily/weekly/monthly responsibilities are carried out, but **NEWCO's** development continues to move forward. This will take several weeks of planning prior to your absence. I expect you to discuss an outline with me sometime in the next ten days.

RML:mh  
darren2.doc